

VAN TRAA
ADVOCATEN

HARRIS & RUFTY
1450 POYDRAS STREET
70112 NEW ORLEANS
Attn. mr A.J. Rufty esq.
United States

Your reference:
'Caballo Azteca'

Our reference
J6770/mha

E-mail:
hajdasinski@vantraa.nl

Direct line:
+31 10 2245 517

7 May 2007

Dear Colleague
Dear Alfred

Re: 'Caballo Azteca'

I, MICHAEL HAJDASINSKI, testify as follows:

1. I am a licensed lawyer in the Netherlands. I was engaged as counsel for Transportes Navieros y Terrestres, S.A. de C.V. ("TNT"), a Mexican company, in connection with the arrest of the vessel "CABALLO AZTECA" in The Netherlands.
2. In my opinion, the arrest of the vessel was wrongful under Dutch law. This is because we received official notarized documents from which it appeared that at the time the arrest proceeding was effected on November 10, 2005, the vessel was owned by TNT, a company with which Fairmount had no dispute.
3. From the same documents followed that the official vessel registry of the Mexican government accurately reflected on November 10, 2005 that TNT was the owner of the "CABALLO AZTECA". At the time of the arrest, the vessel was undergoing repairs in a shipyard. This means that we believe Fairmount had ample time to consult the official vessel registry of Mexico to confirm who owned the vessel at the time of the arrest.
4. Under Dutch law, in general, a party that wrongfully arrests a vessel is liable for the damages incurred by the vessel's owner as a consequence of the wrongful

PO Box 21390
3001 AJ Rotterdam
The Netherlands

Minervahuis II
Meent 94
3011 JP Rotterdam
The Netherlands

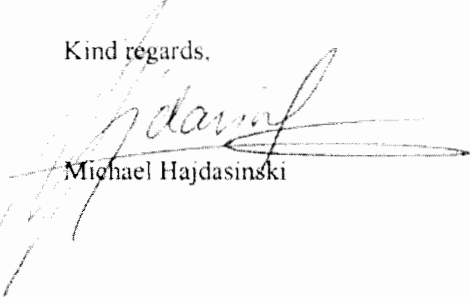
Tel. +31 10 413 7000
Fax +31 10 414 5719

J.H.J. Teunissen
M.H. Claringbould
W.G.B. Neervoort
R. de Haan
B.S. Janssen
M.A.W. van Maanen
P.A. den Haan
R.L.S.M. Pessers
F.G.M. Smeele
O. Böhrner
V.R. Pool
J.D. van de Meent
M.J. Hajdasinski
S.M. Oude Alink
A.D.C.P. Dam
C.E. Vollebregt
K.A. van Veen
O.B. Zwijnenberg
G.W. Oorel
S.T. Dreesmann
J.A. Kruit
K. Kamminga
S.M.M. Hulsen

arrest. These damages may include a loss of charter hire that the owner would have been able to earn with the vessel but for the wrongful arrest.

5. If necessary, this statement can be submitted to a Court.

Kind regards,



Michael Hajdasinski